

FRANK R. WOLF

10TH DISTRICT, VIRGINIA

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Congress of the United States
House of Representatives

December 15, 2011

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The Honorable Timothy Geithner
Secretary
U.S. Department of Treasury
1500 Pennsylvania Ave NW
Washington DC 20220

Dear Secretary Geithner:

As you surely know by now, I was appalled to learn that Mr. Bart Fisher, a Washington lawyer, appears to have been granted a license by the Treasury Department's Office of Foreign Assets Control (OFAC) to represent the government of Sudan.

Enclosed is a letter I received from Mr. Fisher yesterday. I understand, after speaking with Assistant Secretary David Cohen, that the department has also received a copy of this letter. You'll note that Mr. Fisher writes, "Although the Office of Foreign Assets Control (OFAC) has granted my law office a license, that license does not authorize any lobbying activities, and my office will engage in none. We will respond, however, to requests for information from Members of Congress or the Obama administration."

I never requested information from Mr. Fisher. And yet yesterday, he called my chief of staff. And, in his letter he tries to convince me, as a Member of Congress, that the current sanctions regime should be altered. If that's not lobbying, I don't know what is.

Mr. Fisher should never have been granted a license to begin with. But now, it appears that he is in violation of this license. I urge the Department to immediately revoke the license. History will judge this administration if you fail to act.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:ea

Enclosed is my latest
statement on FB Hires Floor

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December 14, 2011

Honorable Frank R. Wolf
241 Cannon House Office Building
Washington, D.C. 20515-4810

Dear Mr. Wolf:

Thank you for your commitment to peaceful solutions for the people of Sudan. We appreciate your efforts to focus needed attention on conditions in that country.

You may have heard reports that my law office has been engaged to provide lobbying services to the Republic of the Sudan. Those reports are incorrect. Although the Office of Foreign Assets Control (OFAC) has granted my law office a license, that license does not authorize any lobbying activities, and my office will engage in none. We will respond, however, to requests for information from members of Congress or the Obama Administration.

The license OFAC has granted authorizes the Law Office of Bart S. Fisher to provide the Embassy of the Republic of the Sudan with legal services that are permitted under section 538.505 of the Sudanese Sanctions Regulations. That section permits the following legal services:

- (1) [L]egal advice and counsel . . . in circumstances in which the benefit is otherwise received in Sudan, on the requirements of and compliance with the laws of any jurisdiction within the United States . . . ;
- (2) Representation of the Government of Sudan . . . when named as a defendant in or otherwise made a party to domestic U.S. legal, arbitration, or administrative proceedings;
- (3) Initiation of domestic U.S. legal, arbitration, or administrative proceedings in defense of property interests subject to U.S. jurisdiction of the Government of Sudan . . . ;
[and]
- (4) Representation of the Government of Sudan . . . before any federal agency with respect to the imposition, administration, or enforcement of U.S. sanctions against Sudan

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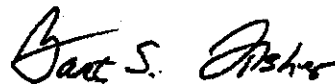
31 C.R.R. sec. 538.505(b) (emphasis added).

Under the license OFAC has granted, my law office is authorized to counsel the Embassy of the Government of the Sudan on the conditions Sudan must meet in order to reduce or eliminate the sanctions now imposed on that country, and on the conditions it must meet before it can be removed from the State Department's list of State Sponsors of Terror. Satisfaction of these conditions would appear to be the very same goals advocated by you and others who are advocating peaceful solutions to problems in the Republic of the Sudan and in Southern Sudan.

By imposing the sanctions mentioned above, the United States has sought to punish and influence the Republic of Sudan. If those sanctions are continued in their current form, however, it is the people of South Sudan who will suffer disproportionately. Although South Sudan is now an independent country, its economy and infrastructure remain integrated with those of the Republic of Sudan. The peoples of the two countries need to travel and to transport food and other necessities across the borders. Sanctions have severely interfered with these activities. For example, due to sanctions on United States suppliers of spare parts, Sudan has only 19 active locomotives, while 17 years ago it had 131 locomotives. These shortages have increased already-existing problems in transporting food and needed supplies to refugee camps and other sites in Darfur, South Sudan, and other locations. These problems have in turn dramatically inflated the prices of food and other materials. They also have made excruciatingly difficult the return home of the South Sudanese people who took refuge in the north. Transportation by truck from the north to South Sudan can take a month during the times of the year when transportation by land is possible. During the rainy season, which may last 6 months a year, that transportation is virtually impossible.

I believe that we share concerns about problems faced by the Sudanese people, and that we have common goals. With these shared concerns and goals in mind, I would appreciate your suggestions about the ways in which we can best reach those goals. Please let me know if you have any questions about activities we are undertaking pursuant to the OFAC license mentioned above. I would be happy to respond to those questions.

Sincerely yours,



Bart S. Fisher
Managing Partner
Law Office of Bart S. Fisher

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Attachment: OFAC License of the Law Office of Bart S. Fisher

cc: President Barack H. Obama
Secretary of State Hillary Clinton
Attorney General Eric Holder
Adam Szubin, Director, Office of Foreign Assets Control, Department of the
Treasury
Ali Hussain, Counselor, Embassy of the Republic of the Sudan



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

License No. SU-3410

Sudanese Sanctions Regulations

LICENSE

(Granted under the authority of 50 U.S.C. §§ 1601-51, 1701-06, Executive Orders 13067 and 13412, and 31 C.F.R. Parts 501 and 538.)

To: Law Office of Bart S. Fisher
700 12th Street, NW, Suite 700
Washington, DC 20005
Attn.: Bart S. Fisher, Esq.

1. Based on your letters dated May 25, 2010, and October 14, 2010, to the Office of Foreign Assets Control (the "Application"), and information otherwise available to the Office of Foreign Assets Control, the transactions and activities delineated herein are hereby authorized.
2. This License is granted upon the statements and representations made in the Application, or otherwise filed with or made to the Treasury Department as a supplement to the Application, and is subject to the condition, among others, that the Licensee(s) will comply in all respects with all regulations, rulings, orders and instructions issued by the Secretary of the Treasury under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and the terms of this License.
3. The Licensee(s) shall furnish and make available for inspection any relevant information, records or reports requested by the Secretary of the Treasury, or any other duly authorized officer or agency.
4. This License expires on November 30, 2012, is not transferable, is subject to the provisions of Executive Orders 13067 and 13412, and any regulations and rulings issued pursuant thereto, including 31 C.F.R. Parts 501 and 538, and may be revoked or modified at any time in the discretion of the Secretary of the Treasury. If this License was issued as a result of willful misrepresentation on the part of the applicant or his duly authorized agent, it may, in the discretion of the Secretary of the Treasury, be declared void from the date of its issuance or from any other date.
5. This License does not excuse compliance with any law or regulation administered by the Office of Foreign Assets Control or another agency (including reporting requirements) applicable to the transaction(s) herein licensed, nor does it release Licensee(s) or third parties from civil or criminal liability for violation of any law or regulation.

Issued on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

By 
Andrea Gackl
Assistant Director for Licensing

Nov. 16, 2010
Date

Attention is directed to 18 U.S.C. § 1001, 50 U.S.C. § 1705, and 31 C.F.R. § 538.701 for provisions relating to penalties.

SECTION I - AUTHORIZATION: (a) Subject to the conditions and limitations set forth herein, the Law Office of Bart S. Fisher (the "Licensee"), is hereby authorized to receive (i) payment for those legal services to be provided to the Government of Sudan (the "Client") that are authorized by section 538.505 of the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 ("SSR"), and (ii) reimbursement of expenses to be incurred in connection with these legal services.

(b) Any transfers of funds through the U.S. financial system pursuant to the authorization set forth above should reference the number of this License to avoid the blocking or rejection of the transfer.

SECTION II - CONDITIONS: Payments to the Licensee for professional fees and expenses authorized by this License must not originate from a source within the United States, or from any source outside the United States within the possession or control of a U.S. person other than the Client, or from any entity or individual whose property or interests in property are blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R., other than the Client.

SECTION III - WARNING: (a) Except as expressly authorized by the terms of this License, or otherwise by the Office of Foreign Assets Control, this License does not authorize the transfer of any blocked property, the debiting of any blocked account, the entry of any judgment or order that effects a transfer of blocked property, or the execution of any judgment against property blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R.

(b) Except as expressly authorized by the terms of this License, or otherwise by the Office of Foreign Assets Control, nothing in this License authorizes the receipt of funds or other property, directly, or indirectly, from any entity or individual whose property or interests in property are blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F..

(c) Nothing in this License authorizes the provision of services not authorized by § 538.505(b) of the SSR, including public relations and lobbying services, or the receipt of payment of fees or reimbursement of expenses other than for the purposes delineated in Section I above.

SECTION IV - RECORDKEEPING AND REPORTING REQUIREMENTS: (a) The Licensee is subject to the recordkeeping and reporting requirements of, *inter alia*, 31 C.F.R. §§ 501.601 and 501.602, including the requirement to maintain full and accurate records concerning the transactions undertaken pursuant to this License for a period of five years from the date of each transaction.

(b) See 31 C.F.R. § 501.605 for additional requirements regarding reports to OFAC, courts, and other adjudicators on litigation, arbitrations, and dispute resolution proceedings.

SECTION V - PRECEDENTIAL EFFECT: The authorization contained in this License is limited to the facts and circumstances specific to the Application.

Sudan Special Order
December 14, 2011

Mr. Speaker, I was pleased this morning that the *Washington Post* did a story on a shameful development here in Washington—namely that Bart Fisher, a Washington lawyer, was granted a license by the Office of Foreign Assets Control (OFAC) at Treasury to represent the genocidal government of Sudan.

I submit a copy of the Post article for the Record.

The Sudanese people have long been brutalized, marginalized and terrorized by their own government.

And yet, unbelievably, it seems this same regime has been afforded the privilege of legal representation in Washington by the Obama administration.

According to a news report earlier this week in *Africa Intelligence*, Mr. Fisher was hired with the express purpose of trying “to lift American sanctions against it.”

In documentation posted on the Department of Justice Web site, it appears that Mr. Fisher was granted a license by the Office of Foreign Assets Control (OFAC) at Treasury to provide this representation and that he plans to engage in political activities, among them, “Representations (including petitions)...to U.S. government agencies regarding sanctions...”

I am appalled that this has been permitted and can’t help but wonder if Mr. Fisher’s political contributions were a factor.

The administration should reverse this approval.

Martin Luther King famously said, “In the end, we will remember not the words of our enemies, but the silence of our friends.”

What must the people of Sudan be thinking at this particular juncture when the administration struggles to find its voice on their behalf, while at the same time seemingly empowering the voice of their oppressors.

Bashir’s crimes are well-known and documented. This is the same man that is accused by the International Criminal Court of five counts of crimes against humanity, including murder, rape, torture, extermination, and two counts of war crimes.

I’ve been to Sudan five times, including in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur. We spoke with women who had been raped just days earlier.

The Arab janjaweed militias, armed by Khartoum, told these women that they wanted to make "lighter skinned babies."

In addition to horrific human rights abuses and crimes committed by Bashir and his National Congress Party (NCP), Sudan remains on the State Department's list of state sponsors of terrorism.

It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990's. Moreover, Khartoum was a revolving door for Hamas and other designated terrorist groups.

But Bashir's crimes are not merely a thing of the past. At a recent Tom Lantos Human Rights Commission hearing on the crisis in Southern Kordofan and Blue Nile states in Sudan, former Member of Congress and President of United to End Genocide, Tom Andrews, spoke about his experiences while visiting the region.

He said that there were reports of, *"Sudanese armed forces and their allied militias going door to door targeting people based upon their religion, and based upon the color of their skin."*

A recent delegation from the U.S. Commission on International Religious Freedom visited Sudan and met with refugees in Yida camp. They returned with similar reports. All of the pastors with whom they spoke said they fled Southern Kordofan after learning that the Sudanese military was undertaking house searches for Christians and SPLM-North supporters.

We stand just blocks from a museum that cries out "Never Again." Meanwhile, it appears that this administration is complicit in allowing a genocidal government to have an advocate in Washington.

The people that have the authority and the power to stop this from happening are President Obama, Secretary Clinton, Secretary Geithner, Adam Szubin, the head of OFAC and David Cohen, Under Secretary for Terrorism and Financial Intelligence at Treasury.

History will be their judge if they fail to act.

THE INFLUENCE INDUSTRY

Dan Eggen

Sudan hires Washington lawyer

The Obama administration has allowed the Republic of Sudan to hire its first U.S. lawyer in years, prompting strong objections from human rights groups and some members of Congress.

Bart S. Fisher, a veteran international trade lawyer, is being paid \$20,000 a month by Sudan to help the strife-torn African nation in its attempts to have U.S. economic sanctions lifted and be removed from the State Department's list of terrorism-sponsoring governments, according to federal registration documents.

The hiring has angered U.S. human rights activists and some lawmakers because of the Sudanese regime's history of alleged genocide and other atrocities against its citizens during a decades-long civil war. Fighting has flared again this year along the border with newly independent South Sudan, displacing an estimated 400,000 people and prompting new accusations of indiscriminate bombing and illegal killings by the Khartoum government.

Rep. Frank R. Wolf (R-Va.), a longtime critic of the Sudanese regime, attacked Fisher in the House and during a news conference this week for agreeing to work for "a genocidal government" that "has blood on its hands." He also said he suspected the administration may have issued a license to Fisher because of the lawyer's past campaign contributions to President Obama, Secretary of State Hillary Rodham Clinton and other Democrats.

"I don't know how Mr. Fisher sleeps at night," Wolf said on the House floor Tuesday, adding later: "If he has received one penny from the government of Sudan, he should return it immediately."

An alliance of activists, Act for Sudan, plans to picket Fisher's Washington offices on Friday. "Our government should not be

seeing this as the time to reward the government of Sudan," said Act for Sudan spokesman Eric Cohen.

Fisher said in an interview Wednesday that the objections are misplaced and based on the erroneous idea that he is working as a lobbyist. Under the terms of the license issued by the Treasury Department, which enforces sanctions against Sudan, Fisher may only represent the Khartoum government in legal matters and is forbidden from lobbying or engaging in public relations, records show.

"I am not a lobbyist," Fisher said. "I am a lawyer, and the Embassy of the Republic of Sudan is my client."

The State Department has designated Sudan a state sponsor of terrorism since 1993, when the United States imposed sanctions on the country for harboring terrorists such as Osama bin Laden. The restrictions remained amid persistent allegations of genocide and other crimes during a 20-year civil war. A fragile peace agreement in 2005 led to the formation this year of the new nation of South Sudan.

The Khartoum regime has long sought ways to persuade the U.S. government to lift its restrictions, including the hiring of a Washington lobbyist in 2005, who was later prosecuted for working on behalf of the country in violation of sanctions.

The Washington Post reported in 2009 that the regime had worked through the nation of Qatar to enlist the help of former Reagan administration official Robert "Bud" McFarlane, who is now an adviser to Newt Gingrich's presidential campaign.

Documents filed with the Justice Department under the Foreign Agents Registration Act show that Fisher was hired Nov. 1 to "counsel and assist the Republic of the Sudan in satisfying appropriate U.S.

conditions to reduce and eliminate the Sudanese Sanctions Regulations and related U.S. laws." A license allowing the deal was issued by Treasury on Nov. 16, records show.

The fee is \$20,000 per month, paid quarterly. Fisher's wife also received a gift of a purse and two candlestick holders from the republic on Nov. 2, disclosure records show.

A Treasury official, speaking on background, said that the agreement adheres to sanction guidelines because legal representation, but not lobbying or public relations, is allowed.

"Recognizing the importance of due process and opportunity for redress, our regulations ensure that even the worst actors have the opportunity to challenge the blocking of their property before U.S. government agencies and courts," the official said in a statement.

Fisher said Sudan's government needs legal representation to continue implementing the 2005 peace accord, which includes complex negotiations over transportation and other infrastructure issues with South Sudan.

"Is it controversial? Yes. But is it improper to have counsel under the Sixth Amendment of the U.S. Constitution? I don't think so," Fisher said. "Why would they not have a right to counsel like anyone else?"

eggend@washpost.com